



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
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February 28, 2002

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
No. WMD 02-09**

FCI  
Route 3A Connector Road  
RR 1, Box 79A,  
Lincoln, New Hampshire 03251

Attn: Mr. Anthony Schmidt, Plating Engineer

**Re: FCI  
Lincoln, New Hampshire  
EPA ID # NHD073990418**

Dear Mr. Schmidt:

On January 8-9, 2002, the Department of Environmental Services (DES) conducted an inspection of FCI. The purpose of the inspection was to determine FCI's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

**Env-Wm 507.01(a)(3) – storage requirements**

At the time of the inspection, the one (1) cubic yard container of F006 hazardous waste sludge, observed underneath the sludge dryer, was not closed. (See hazardous waste container inventory).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that FCI ensure that containers storing hazardous waste be closed at all times, except when adding or removing waste from the containers.

2. Env-Wm 507.03(a)(1)d. - Container marking

At the time of inspection, the one (1) 55-gallon container of waste paint related material located in the Hazardous Waste Storage Area, was not marked with the EPA or state waste number(s) (Refer to the enclosed Hazardous Waste Container Inventory).

Env-Wm 507.03(a)(1)d. requires that all containers used for the storage of hazardous waste be marked with the EPA or state waste number at the time they are first used to store wastes.

DES requests that FCI properly mark all containers of hazardous waste, at the time they are first used to store waste, with the EPA or state waste number.

*A January 18, 2002, e-mail from Anthony Schmidt, Plating Engineer, documented that FCI had marked the one (1) 55-gallon container of waste paint related material located in the Hazardous Waste Storage Area with the EPA waste code of F003. No further action is required.*

3. Env-Wm 509.02(a)(2) – Personnel Training

A review of FCI's records indicated Emergency Coordinators and persons responsible for hazardous waste management were trained. However, a written personnel training program was not in place.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, maintaining the following information:

- (a) The job title for each position at the facility related to hazardous waste management, and the name of the employee(s) filling the job;
- (b) A written job description, including requisite skills, education and duties, for positions with hazardous waste management duties; and
- (c) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position with hazardous waste management duties.

DES requests that FCI develop and maintain a Personnel Training Program that addresses all of the above-mentioned topics. Submit the completed FCI Personnel Training Program to DES for review.

4. Env- Wm 509.02(a)(5) – Contingency Plan

A review of FCI's contingency plan revealed deficiencies regarding the following:

- (a) The emergency coordinator's home and office addresses;
- (b) The specific information to provide to local authorities during an emergency;
- (c) The methods for monitoring facility equipment if there is a work stoppage;
- (d) Procedures for providing treatment, storage or disposal of hazardous waste resulting from an emergency;
- (e) Instructions to ensure that a waste which is incompatible with the released material is not treated, stored or disposed of until cleanup procedures are completed;
- (f) Instructions to notify local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities; and
- (g) A listing of specific information [listed in 40 CFR 265.56(j)] to include in the event a 15-day report must be filed with DES' Waste Management Division.

Env- Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that FCI revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist. Enclosed please find a suggested outline for a contingency plan which may also be useful as a guide.

5 Env-Wm 509.02(b)– Emergency Posting

At the time of the inspection, FCI did not have a complete emergency posting at the nearest telephone adjacent to the hazardous waste storage area.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and

- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that FCI post the required information at the nearest telephone to the hazardous waste storage area.

*A January 18, 2002, e-mail from Anthony Schmidt, Plating Engineer, documented that FCI had posted the required information at the nearest telephone to the hazardous waste storage area. No further action is required at this time.*

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by FCI can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against FCI, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline that is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

CERTIFIED MAIL RRR# 7099 3400 0002 9774 2164

cc: DB/RCRA/LOD/Archives  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, DES Administrator, Legal Unit  
Alan Beck, Plant Manager, FCI

E-mail: JJD/SD/SD/PM

Enclosure Inspection Checklist  
NHDES "Suggested Outline for Contingency Plans"